

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Hikmat S. Jarbou and Janan F. Jarbou,

Plaintiffs,

v.

Case No. 14-11688

J.P. Morgan Chase Bank National
Association, as purchaser of the loan
and other assets of Washington Mutual
Bank formerly known as Washington
Mutual Bank, F.A.,

Sean F. Cox
United States District Court Judge

Defendant.

**ORDER ADOPTING AUGUST 21, 2014 REPORT AND RECOMMENDATION
AND GRANTING DEFENDANT'S MOTION TO DISMISS**

Defendant filed a Motion to Dismiss Plaintiffs' Complaint, which was referred to Magistrate Judge David R. Grand for issuance of a report and recommendation, pursuant to 28 U.S.C. § 636(b)(1)(B).

On August 21, 2014, Magistrate Judge Grand issued a "Report And Recommendation To Grant Defendant's Motion To Dismiss" (Docket Entry No. 13, "the R&R"), wherein he recommends that the Court grant Defendant's motion and dismiss Plaintiffs' claims because they are barred by the doctrine of *res judicata*. (See R&R at 7-9). He further rejected the Plaintiffs' claim that they were entitled to discovery before consideration of the pending motion to dismiss, brought under Fed. R. Civ. P. 12(b)(6). (See R&R at 6-7). Magistrate Judge Grand's R&R expressly warned Plaintiffs that they "may object to and seek review of this Report and Recommendation, but are required to act within fourteen (14) days of service of a copy hereof"

and that the “[f]ailure to file *specific objections* constitutes waiver of any further right of appeal. *Thomas v. Arn*, 474 U.S. 140 (1985); *Howard v. Secretary of HHS*, 932 F.2d 505, 508 (6th Cir. 1991); *United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981).” (R&R at 10) (emphasis added).

On September 4, 2014, Plaintiffs’ Counsel filed a document titled “Plaintiffs Objection To The Report And Recommendation And Request To Seek Review Of Report And Recommendation.” (Docket Entry No. 14). Despite the magistrate judge’s express warning that failure to file *specific objections* constitutes waiver of any further right of appeal, Plaintiffs filed a submission that does not contain any specific objections the R&R. Rather, Plaintiffs’ Counsel appears to have simply “cut and paste” portions of his response to Defendant’s Motion to Dismiss into another document he titled as an objection. Thus, Plaintiff has not asserted any actual objections to the R&R that require review or analysis by this Court.

Moreover, having carefully reviewed the R&R, the Court concurs with the magistrate judge’s analysis and conclusions.

Accordingly, IT IS ORDERED that the August 21, 2014 R&R is hereby ADOPTED, Defendant’s Motion to Dismiss is GRANTED, and this action is DISMISSED WITH PREJUDICE.

IT IS SO ORDERED.

S/Sean F. Cox

Sean F. Cox

United States District Judge

Dated: October 21, 2014

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PROOF OF SERVICE

I hereby certify that a copy of the foregoing document was served upon counsel of record
on October 21, 2014, by electronic and/or ordinary mail.

S/Jennifer McCoy
Case Manager